

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Series 8	Number 7	Effective Date 03/25/11	Review Date 2014
Subject INVENTORY, TOWING, SEIZURE, STORAGE AND ABANDONED VEHICLES			☐ New Order ☒ Replaces G.O. 8-7 (11/24/09)
References CALEA 1.2.4, 61.4.3, 84.1.1, 84.1.2, 84.1.3 VLEPSC ADM.02.02c, ADM16.01e, ADM.16.02b, ADM.16.02e, OPR.03.06, OPR.07.11a, OPR.07.11b, OPR.07.11d, OPR.07.11e, OPR.07.12a, OPR.07.12b, OPR.07.12c VA Codes §§4.1-311, 4.1-339-348, 18.2-47, 18.2-346, 18.2-357, 19.2-386.16, 19.2-386.22, 19.2-386.30, 58.1-3503 46.2-301.1, 46.2-1211, 46.2-865, 46.2-867 Richmond City Codes §§102-327, 102-361, 102-362, 102-362.1, 102-363 G.O. 1-6, Search and Seizure, G.O. 3-12, Handling Property and Evidence G.O. 6-5, Uniform Notice of Violation (UNOV)			
		03/25/11	
Chief of Police or Designee		Date	

I. PURPOSE

The purpose of this **directive** is to establish the policy and procedure for towing, seizure and storage of motor vehicles, and to provide the proper guidelines for conducting motor vehicle inventory. It shall also be the policy and procedure for removing abandoned vehicles on public and private property.

II. POLICY

It is the policy of the Richmond Police Department to keep an accurate record of all movements and dispositions of motor vehicles towed or seized by Richmond Police Department employees or authorized agents and any valuables left in them.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this general order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated.

IV. DEFINITIONS

A. *ABANDONED MOTOR VEHICLE – Any motor vehicle, or trailer or semitrailer or part of a motor vehicle, trailer or semitrailer that:*

1. *Is inoperable and is left unattended on public property for more than 48 hours;*
2. *Has remained illegally on public property for more than 48 hours;*
3. *Has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property;*
4. *Is inoperable, left unattended, or both on an interstate highway or on the shoulder of a primary highway.*

B. INOPERABLE MOTOR VEHICLE – Any motor vehicle or trailer or semi-trailer that:

1. Is not in operating condition; or,
2. *If on private property*, for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle; or,
3. On which there are displayed neither valid license plates nor a valid inspection decal (this means the vehicle must be missing both valid license plates and valid inspection decal).

C. INOPERABLE ABANDONED MOTOR VEHICLE – *Any abandoned motor vehicle which is inoperable and which the fair market value, as determined by the locality's official responsible for assessing motor vehicles under Code of Virginia §58.1-3503, is less than the cost of its restoration to an operable condition.*

D. UNATTENDED MOTOR VEHICLE – Any motor vehicle, trailer, semi-trailer or part of a motor vehicle, trailer or semi-trailer that:

1. Is left unattended on a public highway or other public property and constitutes a traffic hazard; or,
2. Is illegally parked; or,
3. Is left unattended for more than 10 days on public property; or,
4. Is left unattended for more than 72 hours on private property without the permission of the property owner, lessee or occupant; or,
5. Is immobilized on a public roadway by weather conditions or other emergency situations.

V. PROCEDURE

A. Towing and Storage of Vehicles for Traffic Violations:

1. Towing is authorized when:

- a) A vehicle is parked in such a manner as to render the highway unsafe, i.e. blocking travel lanes, driveways, intersections, alleys, etc. Officers **shall** make a reasonable effort to locate the owner in case the vehicle is disabled or appears to have been stolen (defeated/damaged steering column or damaged ignition switch).
- b) A vehicle is parked in a 0700-0900 or 1600-1800 hours tow-away zone (during these hours only).
- c) There are regulatory signs prohibiting parking and warning that vehicles will be towed.
- d) A vehicle has three or more parking citations, ***each being outstanding for more than 30 days***, in accordance with §102-363 (c) of the City Code.

NOTE: The following are the business hours of operation, Monday – Friday:

City Contract Towing Service 0900-2000

Department of Finance 0800-1700

City Tow Lot 0800-1600

- e) The towing procedure authorized under the “Towing and Storage from City Streets – Construction Zone” section of this policy does not apply if the vehicle is moving, and officers **must** be aware that a positive Clancy/MDC response for outstanding citations is not probable cause to initiate a traffic stop.

2. Prior to towing, the officer shall:

- a) ***Unless the vehicle is being held for investigation and processed for forensic evidence, all valuables must be removed prior to the vehicle being submitted into Property and Evidence.***
- b) Be aware that a motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to, the passenger compartment, trunk, containers and glove compartment.
- c) Call for a contract tow company, on the appropriate channel, to have the vehicle towed. A Vehicle Tow Slip shall be compiled for each motor vehicle being towed. (If a vehicle, such as a pick-up truck or van or otherwise, is carrying a motorcycle, two (2) Tow Slips are required.) If possible, the vehicles **shall** be separated at the tow lot.

Each Tow Slip shall include the following: the diagram showing the location of any existing damage, the Incident Based Report (IBR) number and all the information on the registered owner – whether in-state or out-of-state.

- d) Complete a parking citation and place the citation number on the Tow Slip in item # 5.
- e) List on the white copy of the Tow Slip any valuables that are in plain view.

NOTE: The Tow Slip shall be distributed as follows:

- (1) The canary copy shall be *given to the tow company driver*.
- (2) The pink and white copies shall be *kept by the City tow lot*.
- (3) The *City tow lot* will forward the *pink* copy to *City Hall and retain the white copy*.

B. Legal Authority to Inventory:

- 1. An authorized member of the Department may conduct a motor vehicle inventory without a warrant or probable cause when:
 - a) The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver or for related enforcement or safety reasons, as defined by the law; and,
 - b) When officers conduct the inventory within the scope of this policy as an administrative procedure.

NOTE: Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory. Officers shall be guided by the Richmond Police Department's General Order 1-6, Search and Seizure, when engaged in these actions.

- 2. The officer shall inventory for all valuables left in the vehicle. Any money, drugs, weapons or other valuable item such as jewelry, tools, etc., excluding clothes, shall be turned into the Property and Evidence Unit prior to the end of his/her tour of duty.

NOTE: When the Property and Evidence Unit is closed, all personnel will utilize the Overnight Processing Room to process evidence. (Refer to General Order 3-12, Handling Property and Evidence)

- 3. The officer shall remain with the vehicle until the tow company driver has hooked up and leaves the scene. The officer does not have to respond to the tow lot.

C. Towing of Vehicles Reported Stolen:

1. An officer taking an IBR Report of a stolen/recovered motor vehicle ***shall*** contact ***the Division of Emergency Communications*** (DEC) to determine if the owner can respond to retrieve the vehicle within a reasonable time frame. ***If the vehicle is inoperable, the owner's tow preference, listed on the initial police report, shall be contacted.***
2. If the owner cannot be located, is unable to respond, or the vehicle is inoperable, contact DEC to determine if the owner has specified a towing preference. If there is no preference, or if the motor vehicle has been reported stolen from another jurisdiction, the contract tow company shall be called.
3. The officer shall note on the modified IBR Vehicle Recovery Supplement the date and time notification was made, the name of the person notified and the code number of the person making the actual notification.
4. If a towing service other than the City contractor discovers that it has towed a stolen vehicle, i.e. towed from private parking lot or apartment complex, there is no reason to call the owner's tow company preference or the City contract tow company.
5. The officer will compile a Vehicle Tow Slip on all towed stolen/recovered vehicles and list the appropriate IBR number. If the vehicle is to be Held for Investigation (HFI), the towing officer must specify why on the Tow Slip. (See 'Towing of Vehicles for Investigation (Stolen or Otherwise)' section below.)
6. The officer shall include on the Tow Slip the registered owner's name, address and phone number, if available.
7. The officer shall check for all valuables left in the vehicle. Any money, drugs, weapons or other valuable item such as jewelry, tools, etc., excluding clothes, shall be turned into the Property and Evidence Unit. Specific mention of items found by an officer(s) ***shall*** be noted in the narrative of the Incident Report Narrative Supplement. If none, the notation ***shall*** read: "No items found in the vehicle."

D. Towing of Vehicles for Investigation (Stolen or Otherwise):

1. Recovered/stolen motor vehicles shall not be placed in the HFI Lot except under the following circumstances:
 - a) The vehicle is wanted in connection with a violent crime (homicide, rape, robbery/car jacking, aggravated assault, arson, etc.) and must be processed by the Forensics Unit or Detective assigned the case.
 - b) The vehicle was taken during a burglary.

- c) The NCIC/VCIN stolen vehicle entry specifically requests vehicle be 'Held for Investigation'.
 - d) Another law enforcement agency requests the vehicle be 'Held for Investigation.'
- 2. Officers towing vehicles to be 'Held for Investigation' shall complete a Tow Slip including the damage diagram.
 - 3. The vehicle shall be logged into the Property and Evidence ***TraQ system***.
 - 4. The officer shall not issue a parking citation.
 - 5. In all situations where a vehicle is towed 'HFI' for processing by the Forensics Unit, the towing officer or the assigned detective shall follow the vehicle to the tow lot and remain on the scene until the vehicle has been properly secured to ensure the proper chain of custody. The officer shall leave all copies of the Tow Slip with the tow company driver or tow company's dispatcher.
 - 6. An officer placing a vehicle in the Impound Lot for investigation other than under the above listed circumstances shall:
 - a) Obtain his/her supervisor's approval;
 - b) Expeditiously, complete the investigation;
 - c) ***Once the investigation has been completed, as soon as possible authorize the release of the vehicle by notifying*** the Impound Lot officer either in person or by E-mail (***Outlook global address: Tow Lot – Police Tow Lot***) ***to relay*** that the vehicle can be released, and briefly state the circumstances for holding the vehicle. ***The email should also be forwarded to DEC along with a screen shot of the VCIN entry.*** This is necessary in order to determine if owners ***shall*** be charged for the tow;
 - d) Submit a PD-37 (Vehicle Held for Investigation Form), (original and copy), to the Officer-In-Charge of the Property and Evidence Unit and a follow-up report on the fifth day of every month in which the vehicle remains held for investigation; and,
 - e) Contact the tow lot officer within five working days after the impoundment and provide the vehicle's status.

NOTE: Vehicles shall not be placed in the Impound Lot because they are uninsured or improperly registered unless there is a question of lawful ownership.

- 7. The officer shall check the appropriate box on the Tow Slip on whether the owner has been notified of the vehicle's status.

8. The officer shall record the IBR number on all Tow Slips when *a* vehicle is 'Held for Investigation' or Asset Forfeiture.
9. On the Tow Slip, the officer shall include the name, address and phone number of the registered owner, if available.
10. The officer shall attempt to notify the registered owner that the vehicle is being held and inform him/her of the circumstances surrounding the seizure.
11. The *towing* officer shall *consult with the supervisor or investigating detective to determine whether or not* valuables *will be* left in the vehicle or placed in Property and Evidence. When the Property and Evidence Unit is closed, all personnel will utilize the overnight processing room to process evidence. Specific mention of items found by an officer(s) *shall* be noted in the 'Narrative' section of the IBR. The notation should read: "No items found in the vehicle," whenever applicable.

E. Vehicles Towed for Forfeiture:

1. Seizure of Moving Motor Vehicles - State law allows law enforcement officers to seize a motor vehicle upon arrest of the driver for certain violations. Officers are authorized to seize a moving motor vehicle for the following violations:
 - a) Racing –Any person who engages in a race between two or more motor vehicles on a highway in the Commonwealth or on any driveway or premises of a church, school, recreation facility or business property open to the public in the Commonwealth, unless authorized by the owner of the property or his agent shall be guilty of reckless driving (racing) (*VA Code* §46.2-865). Only if the owner of a motor vehicle is convicted of racing such vehicle in a prearranged, organized and planned speed competition or is present in the vehicle that is being operated by another in violation of VA Code §46.2-865, and knowingly consents to the racing, shall the vehicle be seized and disposed of under VA Code §46.2-867 and VA Code §4.1-339 through 4.1-348.
 - b) Illegal Transportation of ABC (Alcohol Beverage Control) Whiskey - Transportation of ABC whiskey purchased lawfully in Virginia is prohibited if in excess of three (3) gallons per bona fide owner over age 21. However, only one gallon may be transported in packages of less than one-fifth of a gallon. The other two gallons must be in packages of one fifth or more (VA Code §4.1-311).
 - c) Transportation of alcoholic beverages purchased outside of Virginia within, into or through the State in excess of one gallon per bona fide owner is prohibited.
 - d) Prohibitions for alcoholic beverages shall be in effect unless an operator of a motor vehicle has a permit to transport more than the

amounts as stated above, and the operator is following a prescribed route. The Virginia ABC Commission issues these permits.

2. Seizure of Motor Vehicles for Other Illegal Activities - Law enforcement officers may also seize vehicles whether the vehicles are moving or parked for the following violations:
 - a) Possession of illegal whiskey in excess of one quart, or possession of raw alcohol in excess of one quart (**VA Code** §4.1-339);
 - b) Gambling - Note that a close connection must be established between the gambling operations and the vehicle(s) involved, i.e. vehicle used for transportation of gambling equipment, moneys used in gambling, lottery tickets or actual gambling within the vehicle (**VA Code** §19.2-386.30);
 - c) Narcotics - A motor vehicle used in connection with the illegal manufacture, sale or distribution of controlled substances or marijuana may be seized (**VA Code** §19.2-386.22);
 - d) Money Laundering - Motor vehicles used in substantial connection with the laundering of proceeds of some form of activity punishable as a felony in Virginia OR traceable to the proceeds of such activity may be seized (**VA Code** §19.2-386.19); and,
 - e) Transportation of stolen goods - A law enforcement officer may seize any vehicle and arrest the owner, if the vehicle is knowingly used by the owner or used by another with his/her knowledge, during the commission of, or in an attempt to commit, a second or subsequent offense of transportation of any stolen goods, chattels or other property valued at \$200 or more (**VA Code** §19.2-386.16).
 - f) ***Being a prostitute or prostitution - Any vehicle knowingly used by the owner thereof or used by another with his/her knowledge and during the commission of, or in an attempt to, commit prostitution in violation of VA Code §19.2-386.16 or §18.2-346.***
 - g) ***Abduction or pandering of a minor – Any vehicle knowingly used by the owner thereof or used by another with his/her knowledge and during the commission of, or in an attempt to, commit abduction/kidnapping in violation of VA Code §18.2-47 or pandering in violation of VA Code §18.2-357 where the prostitute is a minor.***
3. The officer shall call a contract tow company and ***have*** the vehicle ***towed*** to the Impound Lot or other location designated by the ***Asset Forfeiture Team (AFT)***.
4. The officer shall complete a Tow Slip and leave all copies of the tow slip with the wrecker driver or tow company's dispatcher.

5. The officer shall place the IBR number on all Tow Slips for 'Hold for Investigation' and Asset Forfeiture Investigation.
6. The officer shall include on the Tow Slip, the name, address and phone number of the registered owner, if available.

F. Reports Required for Seized Vehicles:

1. The officer confiscating a motor vehicle for the aforementioned violations will have the vehicle towed to the Impound Lot. The officer shall notify the AFT in drug-related seizures.
2. If the seized vehicle is subject to forfeiture, the officer shall complete a PD-30 (Seizure Report for Asset Forfeiture Form) prior to the end of his/her shift, and forward it to the AFT.
3. Upon receipt of a completed PD-30, the AFT detective shall inspect the seized vehicle to assess its condition, verify VIN and take photographs.
4. Whenever the Richmond Police Department takes a vehicle with intent to seize it pursuant to forfeiture laws, the Asset Forfeiture Team's personnel shall notify the vehicle's owner, in writing, as soon as practical.
5. Case Folder - The AFT will investigate all incoming PD-30s. A complete case folder will be compiled and forwarded to the AFT by the seizing officer within three (3) working days including a synopsis of the case entitled "Facts and Circumstances" or "Investigative Report" containing the probable cause and the sequence of events leading to the seizure.
6. The tow lot shall contact the AFT prior to the release of any seized vehicle subject to forfeiture.

G. Authorization - Towing and Storage from Private Property by Police at Owner's Request:

1. VA Code §46.2-1211 states that whenever any motor vehicle is found to obstruct or interfere with the free ingress, egress or the movement on any premises, driveway or parking area without the permission of the owner of such premises, any law enforcement officer may remove it or have it removed to a storage or garage area.
2. The officer responding shall make a reasonable effort to locate the owner of the vehicle that is in violation. In such cases that require immediate removal, towing by police is permissible.
3. The officer shall require the owner of the property to sign a PD-95 (Agreement of Indemnification Form), indemnifying the City of Richmond against expenses incurred in the towing, storage and possible sale of the vehicle.

4. The officer shall obtain the name and address of the complainant reporting the illegally parked vehicle.
- H. Towing and Storage of Vehicles from Public Streets, Alleys and City-Owned Property:
1. Except as provided in this policy, Department members shall call any towing service requested by the owner/operator of a disabled vehicle as long as prompt service can be provided.
 2. If the owner/operator has no towing preference, DEC shall notify the City contract towing service. No Tow Slips or Citation Tags are compiled in these situations. Members of the Department shall not recommend any towing service or suggest the nearest towing service to the citizen.
 3. Whenever a disabled rental vehicle is encountered, the officer shall ascertain the towing preference of the rental company, not the preference of the operator.
- I. Towing and Storage from City Streets - Essential Traffic Arteries:
1. Whenever any vehicle becomes disabled along any of the City's major arteries or bridges and that vehicle constitutes a serious traffic hazard or is creating a serious traffic backup, the officer shall obtain a tow company preference from the owner. If no preference is indicated, DEC will contact the City contract towing company.
 2. DEC shall notify *the vehicle's owner to facilitate removal of the vehicle. If there is no response from the owner, the owner's tow company preference, as provided in the IBR, will be notified to* ascertain if they can respond to the scene within 20 minutes. Provided they can arrive within 20 minutes, the owner's tow company preference shall be dispatched. If not, the owner shall be notified of the hazardous situation and the City's contract tow company will be notified.
 3. Should the owner's preference fail to arrive within 20 minutes, DEC shall cancel the owner's preference and dispatch the City contract tow company.
 4. Should the owner object to the City's contract tow company towing his/her vehicle, the officer shall advise the owner that the vehicle will be towed by the police as a traffic hazard.
 5. If the vehicle is towed as a traffic hazard, all provisions of this policy relating to the towing of vehicles for traffic violations shall apply including the Citation Tag and Tow Slip.
 6. This policy shall be in effect at all times when any vehicle constitutes a serious hazard and/or is creating a serious traffic tie up. It will always apply to locations where 0700-0900 and 1600-1800 hour towing is in effect at the time of the disablement.

J. Towing and Storage from City Streets - Construction Zones

1. Normally, it is the policy of the Richmond Police Department to not tow vehicles from construction zones unless proof exists that the proper signs were posted a minimum of 48 hours in advance. There are two exceptions to the required advance sign posting:
 - a) If the area to be towed is a time limit zone, the prohibited parking signs must be posted a minimum of double the time required by the signs, i.e. signs limit parking to two hours. The prohibited parking signs must be posted a minimum of four hours in advance.
 - b) Prior to towing a vehicle, an officer shall obtain the name and address of the construction crew employee who allegedly posted the signs. The employee shall be advised that he/she may have to appear in court if the citations are appealed.
 - c) If the contractor or construction crew can not provide the Department employee with the information, the vehicle(s) will not be towed.
2. If verification is received, the officer shall compile a Tow Slip listing the employee information and the time the signs were posted and issue a Parking Citation for "Vehicle Towed by Police" marking it "Prohibited Zone."
3. Where an emergency exists:
 - a) If an officer is dispatched to the scene and an emergency situation is apparent, i.e. smell of gas, water coming through the street, etc., the vehicle(s) **shall** be towed. The officer shall only compile a Tow Slip and mark it "Emergency Tow" (gas leak, etc.). No Parking Citation shall be issued.
 - b) If the emergency is not apparent, the officer shall require a supervisor from the City department that is responsible for hiring the contractor to respond to the scene and confirm an emergency situation really exists:
 - (1) If confirmation is received, the vehicle(s) shall be towed.
 - (2) If confirmation is not received, the officer shall advise the construction crew to wait until the signs have been posted for the required time.

NOTE: All signs must be standard type "No Parking Signs."

K. Towing Procedure for Three or More Outstanding Parking Citations:

1. The Department of Finance, Parking Violation Section of the Collections Division, maintains a file of vehicles wanted for having three ***or more parking citations, each being outstanding for more than 30 days, in***

accordance with §102-366 of the City Code. No such vehicles shall be removed from private property.

2. Any officer *or authorized employee* may inquire Monday-Friday, 0900-1700 hours via telephone at 646-5154, concerning any vehicle, giving the license number and state or VIN number. *Any officer or authorized employee* may also inquire, 24 hours a day, of any employee equipped with the computerized Clancy Parking Enforcement System concerning any vehicle, giving the license number and State or VIN number. This capability is also available via the MDC.
 3. If the Finance employee advises that there are at least three delinquent parking citations that are at least 30 days past due, the employee will have the vehicle towed to the City contractor's lot. The towing officer shall compile a Tow Slip, checking "Traffic Violation" and writing "outstanding parking violations" in the remarks section. A Parking Citation will also be issued by the towing officer for the vehicle. The item number marked "Vehicle Towed by Police" will be checked on the Parking Citation. In addition, *a* check for a stolen vehicle shall be run on the vehicle prior to the tow. The white and pink copies of the Tow Slip and the citation for the tow shall *be retained by the City tow lot*. The *City tow lot* shall *forward the pink copy to City Hall and retain the white copy*. The canary copy shall *go to the tow company driver*.
 4. The towing officer shall call *DEC* by telephone giving the year, make, model, color, VIN number, license number, where towed from, where towed to and the reason for *towing*.
 5. If the owner is with the vehicle or arrives before the wrecker leaves, the towing officer will advise him/her of the reason for the tow, the process of removal/retrieval of the vehicle and the location of where the vehicle will be going. THE VEHICLE WILL STILL BE TOWED.
 6. Any such vehicle towed will be released only after the registered owner furnishes a signed form, from the Traffic Court or the Department of Finance's Parking Violations Section, indicating that all outstanding fees have been paid and payment is received for the towing fees. Hours of operation are 0900-1700, Monday-Friday.
 7. The City's Department of Finance shall issue a "Valid for One Day" green card to the citizen. This card *must* be hung on the vehicle's rear view mirror to prevent his/her vehicle from being towed twice in the same day for the outstanding citations.
 8. This procedure will not apply if the vehicle wanted for delinquent parking violations is moving.
- L. Notification *to the Division of Emergency Communications (DEC)* of Vehicles Towed:

The tow company will notify DEC in advance of towing authorized vehicles. However, department members may authorize towing if a vehicle is stolen, or other extenuating circumstances exists, by notifying DEC and giving the following information on each vehicle: correct Vehicle Identification Number (VIN), reason for towing, license number, make, color, model, location towed from, time towed and tow destination. This notification must be made immediately by contacting DEC via telephone at 646-5125, in-person or email: ECCTTY@richmondgov.com. When taking a citizen operating a motor vehicle into custody, if the vehicle presents a traffic hazard, the officer shall acquire the citizen's preference regarding the towing, whenever possible. If the vehicle is not towed and does not pose a traffic hazard, the officer shall write the location of the vehicle on the citizen's copy of the arrest warrant.

1. If a citizen is involved in a motor vehicle accident and sustains serious injuries that render him/her unconscious, the officer shall ask for a "No Preference" tow request for the owner and notify **DEC**. If the citizen is conscious, the officer **shall** acquire the citizen's preference regarding the towing, whenever possible.
2. ***All vehicles tow information shall be expediently transmitted to the DEC Teletype Operator. Information about any vehicle towed and/or stored will be entered into the VCIN Stored Vehicle Files by the Teletype Operator.***
3. ***The Property Maintenance Inspector is not authorized to tow vehicles on public property and must, therefore, contact DEC using the non-emergency number for assistance. The originating inspector must present the bottom portion of the Vehicle Violation Notice (PD-1) to the officer and the vehicle must be in violation at that time.***

Note: Pursuant to VA Code §46.2-301.1, officers are required to serve a Notice of Impoundment upon arrested persons when an administrative impoundment occurs. ***(Refer to Section E 'Vehicles Towed for Forfeiture' in this general order.)*** Officers shall utilize the Notice of Impoundment/Immobilization form for this purpose.

M. Abandoned, Unattended and Inoperable Vehicles:

1. Investigating Abandoned Vehicles:

It is the duty of all police officers to investigate abandoned vehicles in their assigned sectors to determine if the vehicles were stolen or used in the commission of a crime. In most cases, however, vehicles are merely abandoned by the owners. If a vehicle is not stolen, or has not been used in the commission of a crime, the officer shall make reasonable efforts to locate the owner and advise him/her to remove the vehicle from the public street or alley.

2. Abandoned Vehicles on Public Property:

- a) A motor vehicle, trailer, or semi-trailer or part of a motor vehicle, trailer, or semi-trailer can be declared abandoned under Richmond City Code §102-361, **§102-362.1** and towed under §102-363 when the vehicle:
 - (1) Is left unattended for more than 48 hours and is missing both a valid inspection decal and valid license plates.
 - (2) Has been left unattended for 10 or more days.
 - (3) Is inoperable and is left unattended on public property, other than an interstate highway or primary highway, for more than 48 hours; or,
 - (4) Has remained illegally on public property for more than 48 hours; or,
 - (5) Is inoperable, left unattended, or both, on an interstate highway; or,
 - (6) Is inoperable, left unattended, or both, on the shoulder of a primary highway.
- b) ***Under §102-363(c) of the City Code, the City may cause any motor vehicle parked on the public highways or public grounds against which there are three or more unpaid or otherwise unsettled parking violation notices to be immobilized or removed under the direction of a law enforcement officer for safekeeping. The officer shall inform, as soon as practical, the owner of the nature and circumstances.***
- c) A ***pink*** adhesive ***Vehicle Violation Notice (PD-1)*** shall be placed on the windshield of the abandoned vehicle. The officer shall return to the vehicle after 48 hours or on the 11th day (whichever is applicable) after posting such notice and again check to determine if it is stolen. If the vehicle is not stolen, the officer shall request removal of the vehicle.
- d) ***Once a PD-1 has been issued on an abandoned vehicle, it shall remain in effect for one year from the date of issuance regardless of where the vehicle may be moved. Officers must retain the bottom portion of the PD-1 if he/she believes the vehicle may need to be towed more than once.***
- e) To remove abandoned vehicles, the officer shall call for a contract tow company and prepare the Citation Tag and Tow Slip. The ***citation***, along with the white and pink copies of the Tow Slip, is ***retained by the City tow lot*** who shall forward the ***pink*** copy to ***City Hall***. The officer ***will*** retain the ***pink*** copy for ***his/her records***, ***forward the white copy to the City tow lot and give the*** canary copy of the tow slip ***to the tow company driver***.

- f) The contract tow company will fax all vehicle information to the **DEC**.
- g) ***Once the vehicle has been towed, the officer shall expediently contact Teletype and give all pertinent information regarding the towed vehicle.***
- h) Information concerning abandoned vehicle storage can be obtained by calling the contract towing company.

3. Abandoned Vehicles on Private Property:

The officer responding to a radio-generated call on an abandoned vehicle on private property shall first attempt to locate a CAPS or Environmental Officer for assistance. All other abandoned vehicles will continue to be the responsibility of Richmond Code Enforcement.

- a) The officer will determine if the vehicle has been stolen or used in the commission of a crime. If the vehicle has been stolen and the vehicle can be driven, then the owner is to be contacted to remove the vehicle. Otherwise, the vehicle will be towed as a recovered stolen vehicle at the request of the owner. If the vehicle has been used in the commission of a crime, it ***shall*** either be held for investigation at the scene, if the crime was recent and a detective will be responding, or at the "Hold for Investigation" lot, if a detective is not available.
- b) A vehicle on private property is considered abandoned if it has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property.
- c) ***A Uniform Notice of Violation (UNOV) shall be issued if the responsible party is present. A PD-1 shall be issued if the responsible party is not present.***

NOTE: Refer to G.O. 6-5, Uniform Notice of Violation (UNOV) for proper guidelines and procedure for the completion and issuance of the UNOV.

- d) Property owners requesting the City of Richmond to tow abandoned vehicles from private property must sign a PD-95 (Agreement of Indemnification Form) prior to towing any vehicle. This agreement will require property owners to reimburse the City of Richmond for expenses incurred for removing any vehicle from private property as well as expenses for storage and sale of said vehicle(s). The vehicle may be towed immediately if emergency situations exist.
- e) In lieu of the above stated procedure, property owners may be advised to call a commercial towing company of their choice to

remove a vehicle from private property. The City will not be involved in the process of contacting a commercial towing company.

- f) Property owners may also be advised to contact the Code Enforcement Office, at 646-7448, regarding vehicles that may present health problems and/or may be determined to be in violation of City Code.

4 ***Unattended Vehicles: VA Code***

- a) Under §102-363(b) ***of the City Code***, the City may cause “unattended” motor vehicles to be removed by or under the direction of a law enforcement officer to the vehicle compound for safekeeping; provided, however, that unattended motor vehicles shall not be removed from private property without the owner, lessee, or occupant of the premises providing to the City both a written request that the unattended motor vehicle be removed and their agreement to indemnify the City against any loss or expense incurred by reason of removal, storage, or sale thereof. The City shall not cause unattended motor vehicles to be removed from private property which is normally open to the public for parking unless there ***are signs posted at such places that meet the criteria and are in accordance with all specifications, including height and width, as provided in section §102-327 of the City Code.***
- b) A vehicle on private property is considered “unattended” if it is left unattended for more than 72 hours on private property without the permission of the property owner, lessee or occupant.

5 **Inoperable Vehicles on Private Property:**

- a) Under ***City Code*** §102-362, it is a Class 1 misdemeanor for any person to keep an inoperable motor vehicle, ***as previously defined in this order***, on any property zoned for residential, commercial or agricultural purposes, except within a fully enclosed building or structure or otherwise shielded or screened from view.
- b) A separate offense shall be deemed committed for each motor vehicle, trailer, semi-trailer, or part of a motor vehicle, trailer or semi-trailer that is in violation of this section.
- c) In addition, the City may cause owners or occupants of any parcel of land found to contain an inoperable motor vehicle which is not in a fully enclosed building or structure (whether or not such inoperable motor vehicle is shielded or screen from view) to be given notice that the inoperable motor vehicle constitutes a nuisance and that the City will cause the vehicle to be removed unless the vehicle is placed within a fully enclosed building or structure or removed from the property within forty-eight (48) hours or within some longer time period stated in the notice. If the owners or occupants fail to comply

with the notice and abate the nuisance within the specified time, the City or its agents shall cause such vehicles to be removed to the vehicle compound.

- d) Under State and City codes, covering a vehicle with a tarp does not meet the definition of shielded or screened from view. Officers will not advise offenders to cover the vehicle with a tarp.

e) ***Enforcement:***

Towing of vehicle on private property shall be enforced by CAPS officers or precinct Environment officers to comply with zoning requirements and exceptions in City Code. Responding officers shall issue the UNOV if the responsible person is present or complete a PD-1 if the responsible person is not present. CAPS and/or Environmental officers will follow-up and tow, as appropriate.

- (1) ***Officers encountering an inoperable motor vehicle on private property will utilize a UNOV issued to the responsible person on scene or, if a responsible person is not present, a PD-1 will be completed and attached to the windshield of the vehicle.***
- (2) ***The UNOV or lower portion of the PD-1 shall be forwarded to the precinct CAPS officer or an Environment officer for towing.***
- (3) ***The PD-1 shall remain in effect for one year from the date of issuance regardless of where the vehicle is moved.***
- (4) ***The CAPS or Environmental officer may extend the 48-hour period to allow citizens a reasonable opportunity to voluntarily comply as citizens may not be aware that the vehicle is in violation.***
- (5) ***In addition to towing, the CAPS or Environmental officer may charge an offender with a Class 1 misdemeanor.***

VI. **FORMS**

- A. ***PD-1, Vehicle Violation Notice-Public and Private Property***
- B. PD-30, Asset Forfeiture Form
- C. PD-37, Vehicle Held for Investigation Form
- D. PD-95, Agreement of Indemnification Form
- E. Vehicle Tow Slip
- F. ***Uniform Notice of Violation (UNOV)***

- G. Arrest Warrant
- H. Parking Citation
- I. Notice of Vehicle Impoundment/Immobilization
- J. Incident Based Report (IBR)